



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, WEDNESDAY, NOVEMBER 14, 2007

No. 176

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, lover of humanity, give us today Your pardon and peace. Pardon the sins of our lips; the untrue, uncleaned, and unkind words we have spoken. Pardon the sins of our minds; the ignoring of truth, the refusal to face facts, the dishonest thinking that destroys integrity. Pardon the sins of our hearts; the pride that makes us esteem ourselves as better than others, the wrong desires, and the false loves that draw us from You. Forgive us, O God.

Place Your peace within us that we may no longer be torn by anxiety and indecision. As the Members of this body receive Your peace, help them to live in unity with each other. May the certainty that You love them take all fear away. Lord, uphold them with Your grace, both now and always. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 14, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES PLACED ON THE CAL-  
ENDAR—S. 2334, S. 2340, S. 2346, S.  
2348, and H.R. 3996

Mr. REID. Mr. President, I understand there are five bills at the desk due for their second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills, en bloc.

The legislative clerk read as follows:

A bill (S. 2334) to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

A bill (S. 2340) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

A bill (S. 2346) to temporarily increase the portfolio caps applicable to Freddie Mac and Fannie Mae, to provide the necessary financing to curb foreclosures by facilitating the refinancing of at-risk subprime borrowers into safe, affordable loans, and for other purposes.

A bill (S. 2348) to ensure control over the United States border and to strengthen enforcement of the immigration laws.

A bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with regard to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business for 1 hour, with the time divided and controlled between the two parties—the majority controlling the first half and the Republicans controlling the final portion.

Following this, the Senate will resume consideration of the farm bill. At 2 p.m. today, Secretary Rice and Secretary Gates will brief Members about the current situations in the Middle East. Both of them will be here in S-407 at 2 p.m.

### THE FARM BILL

Mr. President, the farm bill is an important piece of legislation for this country. That is why we do it every 5 years. It is an immense bill and includes many different things dealing with the agriculture of this country. It is similar in its importance to the highway bill that we do every 5 years. The farm bill is one that affects virtually every State.

We hear a lot on this Senate Floor and around the country, as we should, about the fact that we import about 65 percent of all the oil we use in this country, but it is not that way with agricultural products. We do so much in exporting food. It is one of the businesses in America that has a positive balance in trade.

I was happy yesterday morning when I was told by the minority we were going to be able to get a list of amendments and work through this bill. It is true we got a list of amendments, but it is as unreasonable as anything could be unreasonable—270 amendments, and a large number of them nonrelevant. Democrats, after having received these,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S14353

came up with some amendments, but most of ours are, as well, nonrelevant amendments, meaning we wanted to match the Republicans. We are able to go forward with a handful of amendments, by that I mean five or six amendments, but that is all we need.

To show how unrealistic their list is, one only needs to look at the list. Every Senator has a right to propose amendments. Historically, however, with the farm bill, the average number of nonrelevant amendments per bill? One, in recent years. My research indicates something a little different than I mentioned yesterday. In the last three bills, no amendments, nonrelevant; two amendments; one amendment. So an average of one nonrelevant amendment per bill.

Here we have amendments they want to offer on this bill dealing with immigration, again, even though we debated for weeks on immigration. This bill is not an immigration bill. And, of course, the old faithful death tax. People come and say, well, farmers have problems, they are losing their family farms. In California, Senator FEINSTEIN heard about that, and so she asked the farm bureau to give her a list of those who had lost their farms because of the estate tax. None. Zero. This is an urban myth or maybe even a rural myth. But, of course, a number of Senators wanted to try that again—Republican Senators.

The issue of the day is the driver's license. A significant number of Senators want to offer amendments dealing with driver's licenses. And fishing loans, the Rio Grande River—I don't know what that is about—the Gulf of Mexico, the death tax, and the AMT. We are going to do AMT before we leave here. We don't need to do it on the farm bill. Fire sprinkler systems, National Finance Center, the *Exxon Valdez* litigation, land transfer, AMT tax. I can't give you the exact number, but there are at least six or seven amendments on the AMT tax. Is AMT important? Of course, it is. We are going to do AMT before this year ends. Everyone knows that.

In short, the Republicans aren't serious about doing the farm bill. This farm bill is headed down for one reason: the Republicans. They obviously don't want a farm bill. If we went along with this list, it would make it impossible to conduct a fair and reasonable debate—impossible.

So what I am going to do this afternoon is file cloture on the Dorgan-Grassley amendment, a bipartisan amendment, the one that is pending, and then on the bill. That will make a determination. All these organizations that say this farm bill is important—and I have had many of them write letters and contact me and say this is so important, we need to do this, the last farm bill is not as good as this one, it is a great farm bill—we will find out if the Republicans are going to kill this bill. It appears they are going to. They are not serious about passing a farm

bill this year. If they come up with a list of amendments we can deal with, I am happy to do that. But I am not going to do this. It is not good for the Senate and it is not good for the country.

I repeat: The average number of nonrelevant amendments on farm bills: One per bill. We have here enough nonrelevant amendments to fill a little notebook. So that is where we are. It is unfortunate. The committee has worked very hard. They passed the bill out of the committee by voice vote. All Senators obviously agreed this was a good bill. SAXBY CHAMBLISS, the ranking member, and TOM HARKIN, the chairman of the committee, think it is a good bill—Democrat and Republican.

We are in the situation where Republicans are saying: Well, I want to offer my amendment on fire systems, the *Exxon Valdez* litigation, the AMT, and, of course, the old faithful, immigration. So that is where we are. It is unfortunate that is where we are, but this bill is headed down.

I indicated what I am going to do. Unless the Republicans come up with something more realistic, this bill is going to have cloture filed on Dorgan-Grassley, cloture on the bill, and that is where we will be on the bill this afternoon sometime.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THE FARM BILL

Mr. MCCONNELL. Mr. President, the comments I am about to make could well have been made by my friend on the other side of the aisle as recently as last year, when his party was in the minority.

Of course, we all know we will indeed pass the farm bill. The only issue is: When and how. We actually made good progress yesterday on both sides, defining the realm of possible amendments that might be filed to the bill. The amendments list on our side is actually about 120, and the Democratic list is 140—approximately 265 amendments on the list.

Before my good friend on the other side protests too much about this number, let me remind Senators that 246 amendments were filed to the 2002 farm bill, 339 amendments were filed to the 1996 farm bill, averaging about 300 amendments per bill. In fact, when Republicans were attempting to move the 1996 farm bill through the Senate, the current committee chairman, Senator HARKIN himself, filed 35 amendments. So if all 100 Senators emulated the Senator from Iowa, 3,500 amendments would be the normal for farm bill consideration.

Thus, the current list of 265 amendments is not insurmountable, and, actually, not at all unusual at the begin-

ning of the process of passing a farm bill. This is a complex bill that only gets reauthorized every 5 years. This time it is 1,600 pages long and includes the first farm bill tax title since 1933, adding an extra degree of difficulty.

However, Republicans are ready and willing to begin working in earnest to address these amendments. What always happens is that most of the amendments go away and we gradually work down the list. But this is a massive bill. The notion—if I can lift it here—that we are going to basically call up a bill of this magnitude, file cloture, and basically have no amendments strikes me as, shall I say, odd at least. What we always do is try to work out an orderly way to go forward. The issue of getting a fixed amendment list, which we were prepared to enter into last night, is the way it usually begins.

I am a little perplexed as to whether the majority actually wants this bill to pass and is trying to simply blame the minority for trying to bring it down. We all know, and I am sure anybody who has followed the Senate at all knows, we are going to pass a farm bill, no question about that. The farm bill is not going to be killed. The issue is whether we are going to have any kind of reasonable process for going forward, and I think getting an amendment list is the first step. I was hoping we could do that, but, apparently, that is not the case, and I regret that we are where we are.

But let me reassure everyone, I don't think there is anybody in the country who knows we aren't going to pass a farm bill, and nobody is going to kill the farm bill. But we are going to insist on a reasonable procedure for going forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, there is no ability to pass a farm bill under the present situation. If people think the farm bill is going to be just passed because the distinguished Republican leader says one is going to pass, they are mistaken. We have a lot to do. We have 3 weeks after we come back after Thanksgiving and that is it for this year. Next year is going to be a very difficult year.

We have to figure out some way, next year, to work our way through the Presidential election and all the other elections that are taking place around the country. There is no guarantee—and that is an understatement—we will have a farm bill.

The one question no one answers is, What do we do with nonrelevant amendments? The history is one per bill. Here we have immigration, AMT six different times, we have fire safety, *Exxon Valdez* litigation, and on and on with nonrelevant amendments.

This is not the beginning of the process. The process started 10 days ago, and we have been stalled for 10 days—